

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

KEVIN MAZZARELLA, et al.,	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 14-5654
	:	
DETECTIVE MICHAEL BRADY, et al.,	:	
Defendants.	:	

**ORDER**

**AND NOW**, this \_\_7th\_\_ day of January, 2016, it is **ORDERED** that Defendants' Motion for Summary Judgment (ECF No. 56) is **GRANTED in part** and **DENIED in part** as follows:

- Summary Judgment is **GRANTED** as to Kevin Mazzarella's state law excessive force claim against Michael Rihl (Count III of Plaintiffs' Amended Complaint);
- Summary Judgment is **GRANTED** as to Kevin Mazzarella's Pennsylvania constitutional claims of assault and battery against Michael Rihl (Counts V and VI of Plaintiffs' Amended Complaint);
- Summary Judgment is **GRANTED** as to the Mazzarellas' state law false arrest claim against the Officers (Count IV of Plaintiffs' Amended Complaint);
- Summary Judgment is **DENIED** as to Kevin Mazzarella's federal excessive force claim against Michael Rihl (Count I of Plaintiffs' Amended Complaint); and
- Summary Judgment is **DENIED** as to Kevin Mazzarella's Pennsylvania common law assault and battery claims against Michael Rihl (Counts V and VI of Plaintiffs' Amended Complaint).

Therefore, Kevin Mazzaella's federal excessive force claim and Pennsylvania common law assault and battery claims against Michael Rihl are the only claims that remain in this action. Plaintiff Kevin Mazzaella and Defendant Michael Rihl are the only parties that remain in this action.

s/Anita B. Brody

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ANITA B. BRODY, J.

Copies **VIA ECF** on \_\_\_\_\_ to:

Copies **MAILED** on \_\_\_\_\_ to: